

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOSEPH MICHAEL DEVON ENGEL,)
Plaintiff,)
v.)
CO1, et al.,)
Defendants.)
No. 4:20-CV-1919 AGF

MEMORANDUM AND ORDER

This matter comes before the Court on its own motion. On January 29, 2021, the Court directed plaintiff to file an amended complaint within twenty-one days. ECF No. 2. Plaintiff has failed to comply. Therefore, for the reasons discussed below, this action will be dismissed without prejudice. *See* Fed. R. Civ. P. 41(b).

Background

Plaintiff, who identifies himself as a sovereign citizen, is a self-represented litigant who filed this civil action on December 21, 2020. Plaintiff's complaint was handwritten on two pages of notebook paper and named the following defendants in their official and individual capacities: CO1; CO2; Sg. Wells; LT; Captain; Corporal; Caseworker; Caseworker; FUM; CCA; Assist Superintendent; Superintendent; Assist Warden; Warden; IPO ERDCC; Director P&P; Assist Director P&P; Assist Att General; Att General; MODOC; ERDCC; LT Governor; and Governor. The complaint was one of more than one hundred and thirty (130) civil rights actions that plaintiff filed in this Court since September of 2020.

Plaintiff alleged his claims in their entirety as follows:

This is the meal loaf they keep giving me[.] [T]hey know something is serious[ly] wrong with me. Dr. Ferguson told them not to give me nomore [sic] of that meal loaf[.] [T]hey do. I can't do it[.] [I]t's killing me. I [am] puking blood [and] shitting blood. Don't feel good at all. [T]hese things been sitting in the frezzer [sic] for months no good. They smell and look like dog food. Discolored. Not right for human consump[tion].

ECF No. 1 at 2. Plaintiff provided no additional facts and did not indicate the relationship between the defendants and his statement of the claim.

On January 29, 2021, the Court directed plaintiff to file an amended complaint. ECF No. 2. In so doing, the Court noted plaintiff's complaint was subject to dismissal because he did not explain how his rights were violated, who purportedly violated his rights, and how the named defendants were directly involved in or personally responsible for the meals he received during incarceration or that they were aware of any dangers to his health as a result of the food. Plaintiff was given twenty-one days in which to file an amended complaint. Plaintiff was also directed to either file a motion to proceed in forma pauperis on a Court-provided form or pay the full \$402 filing fee. He was advised that failure to respond would result in the dismissal of this action without prejudice and without further notice.

Discussion

As stated above, on January 29, 2021, the Court ordered plaintiff to file an amended complaint and motion to proceed in forma pauperis within twenty-one days. The filings were due on February 19, 2021. Plaintiff did not file an amended complaint or a motion to proceed in forma pauperis as directed. Plaintiff did not pay the Court's filing fee. Further, he has not filed a motion with the Court seeking an extension of time in which to comply. Under Rule 41(b), an action may be dismissed for failure to comply with a court order. *See Fed. R. Civ. P. 41(b).* *See also Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (stating that district court may dismiss a self-represented

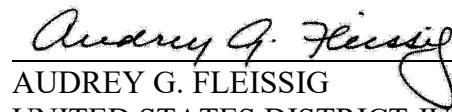
litigant's action for failure to comply with a court order on its own initiative). Because plaintiff has not complied with the Court's order of January 29, 2021, or filed any motion seeking an extension of time in which to comply, the Court will dismiss this action without prejudice.

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice for failure to comply with the Court's order of January 29, 2021. *See* Fed. R. Civ. P. 41(b). A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that an appeal from this dismissal would not be taken in good faith.

Dated this 2nd day of March, 2021.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE